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Atty. Dkt. No. YOR920030570US1

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable or obvious under the provisions 35 U.S.C. §§ 102 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-8, 13-17, AND 23-30 UNDER 35 U.S.C. § 102

The Examiner rejected claims 1-8, 13-17, and 23-30 as being anticipated by the Gong et al. patent (U.S. Patent No. 7,076,801, issued July 11, 2006, hereinafter referred to as "Gong"). In response, the Applicants have amended Independent claims 1 and 23, from which claims 2-8, 13-17, and 24-29 depend, as well as independent claim 30, in order to more clearly recite aspects of the invention.

In particular, the Examiner's attention is respectfully directed to the fact that Gong does not disclose selecting a new server configuration for a new server instance from among a plurality of new server configurations available for the server, as recited in amended Independent claims 1, 23 and 30.

Specifically, independent claims 1, 23 and 30, as amended, recite:

1. A method for automated adaptive reprovisioning of servers under security assault, the method comprising:

detecting a security assault or a possible security assault on a first server;
and

reprovisioning by automatically creating a new server instance with a desired new server configuration to perform at least one of the tasks performed by said first server, wherein said desired new server configuration for said new server instance is selected from a plurality of new server configurations available for said first server. (Emphasis added)

23. A computer-readable medium having stored thereon a plurality of instructions for automated adaptive reprovisioning of servers under security assault, said plurality of instructions including instructions which, when executed by a processor, cause said processor to perform:

detecting a security assault or a possible security assault on a first server;
and

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reprovisioning by automatically creating a new server instance with a desired new server configuration to perform at least one of the tasks performed by said first server, wherein said desired new server configuration for said new server instance is selected from a plurality of new server configurations available for said first server. (Emphasis added)

30. A system for automated adaptive reprovisioning of servers under security assault, the system comprising:

a first server;

a security monitor, coupled to said first server, for detecting if said first server is a candidate for automatic reprovisioning with a new server instance having a desired new server configuration; and

a provisioner, coupled to said first server, for automatically reprovisioning said server with said new server instance if said server is such a candidate, wherein said desired new server configuration for said new server instance is selected from a plurality of new server configurations available for said first server. (Emphasis added)

Applicants' independent claims 1, 23 and 30, as amended, clearly recite the step of selecting a new server configuration for a new server instance from among a plurality of new server configurations available for a server. The Examiner concedes in the Office Action that "Gong ... does not disclose selecting said new server instance from a plurality of new server configurations" (Office Action, Page 7). Accordingly, the Applicants respectfully submit that independent claims 1, 23 and 30, as amended, are not anticipated by Gong and are patentable under 35 U.S.C. §102.

Claims 2-8, 13-17, and 24-29 depend from claims 1 and 23 and recite additional features therefore. As such, and at least for the same reasons set forth with respect to independent claims 1 and 23, the Applicants respectfully submit that claims 2-8, 13-17, and 24-29 are also not anticipated by Gong and are patentable under 35 U.S.C. §102. Accordingly the Applicants respectfully request that the rejection of claims 1-8, 13-17, and 23-30 under 35 U.S.C. §102 be withdrawn.

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II. REJECTION OF CLAIMS 9-12 AND 18-22 UNDER 35 U.S.C. § 103**1. Claims 9-12**

The Examiner rejected claims 9-12 as being unpatentable over Gong in view of the Agha, et al. patent (U.S. Patent No. 6,044,461, issued on March 28, 2000, hereinafter referred to as "Agha"). In response, the Applicants have amended independent claim 1, from which claims 9-12 depend, as discussed above in order to more clearly recite aspects of the invention.

As discussed above, Gong fails to disclose selecting a new server configuration for a new server instance from among a plurality of new server configurations available for the server, as recited in amended independent claim 1. Agha fails to bridge this gap in the teachings of Gong. Accordingly, the Applicants respectfully submit that independent claim 1 is not made obvious by Gong in view of Agha and is patentable under 35 U.S.C. §103.

Claims 9-12 depend from claim 1 and recite additional features therefore. As such, and at least for the same reasons set forth with respect to independent claim 1, the Applicants respectfully submit that claims 9-12 are also not made obvious by Gong in view of Agha and are patentable under 35 U.S.C. §103. Accordingly the Applicants respectfully request that the rejection of claims 9-12 under 35 U.S.C. §102 be withdrawn.

2. Claims 18-22

The Examiner rejected claims 18-22 as being unpatentable over Gong in view of the Burnett, et al. application (U.S. Patent Application Publication No. 2003/0018889, published on January 23, 2003, hereinafter referred to as "Burnett"). In response, the Applicants have amended independent claim 1, from which claims 19-22 depend, as discussed above in order to more clearly recite aspects of the invention. Claim 18 was cancelled without prejudice in a previous amendment.

As discussed above, Gong fails to disclose selecting a new server configuration for a new server instance from among a plurality of new server configurations available for the server, as recited in amended independent claim 1. Burnett similarly fails to teach this limitation. At best, Burnett teaches that customized configuration data for a

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network device can be stored in a centralized database and later retrieved for actual configuration of the network device. Although the database may store many sets of configuration data, each set of configuration data has been constructed for a different network device. That is, Burnett does not teach that a single network device has more than one set of configuration data available to it for selection, as claimed in Applicants' independent claim 1. Moreover, Burnett does not teach establishing or selecting a configuration for a server, as also recited in Applicants' independent claim 1. As disclosed in paragraph 0026 of Burnett, a network device within the context of Burnett's invention is "an intermediate device that facilitates computer-to-computer communications over an interconnected set of local area networks (LANs)". Such devices include "gateways, routers, switches, bridges, and firewalls". Burnett thus fails to bridge the gap in the teachings of Gong.

Claims 19-22 depend from claim 1 and recite additional features therefore. As such, and at least for the same reasons set forth with respect to independent claim 1, the Applicants respectfully submit that claims 19-22 are also not made obvious by Gong in view of Burnett and are patentable under 35 U.S.C. §103. Accordingly the Applicants respectfully request that the rejection of claims 19-22 under 35 U.S.C. §103 be withdrawn.

III. CONCLUSION

Thus, the Applicants submit that all of the presented claims now fully satisfy the requirements of 35 U.S.C. §102 and §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

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